

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rio Brazos

**MOTION TO AMEND ALL SUBFILE ORDERS DESCRIBING
IRRIGATION WATER RIGHTS FOR TRACTS OF LAND UNDER
THE LA PUENTE DITCH TO INCLUDE SEVEN SPRINGS
AS ADDITIONAL SOURCES OF WATER**

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to amend all subfile orders heretofore entered in these proceedings that describe irrigation water rights for tracts of land under the La Puente Ditch to include seven (7) springs as additional sources of water, and as grounds therefore plaintiff states:

1. Under the Declaration of Ownership of Water Rights by the Commissioners of the La Puente Community Ditch (OSE No. 0478) filed with the New Mexico State Engineer on April 14, 1924, the water users of the La Puente Ditch claim the entire flow of the springs known as "Los Ojos" for irrigation purposes to supplement the flow of water from the Brazos River. These springs are located about one mile south of Parkview as shown on the declaration map filed with OSE No. 0478. Under the terms of two licenses issued to the New Mexico State Game Commission in 1937 and in 1940, the State Game Commission may use the water from these and other springs for fish hatchery,

domestic and recreational fishing purposes, provided the waters so diverted are returned to the La Puente Ditch undiminished in quantity other than by evaporation. *See* Licence to Appropriate Water issued May 3, 1937 (OSE No. 1971); License to Appropriate Water issued September 20, 1940 (OSE No. 2181) (revised to include recreational fishing by OSE permit approved July 30, 2002); *see also* Consent Order filed April 26, 2010 (Doc. No. 9696) (Subfile CHRB-008-0001) (New Mexico State Game Commission). These springs have been described and mapped in Subfile CHRB-008-0001 as follows:

Spring: SPRING NO. 11A

Location: X= 1,546,475 feet **Y=** 2,082,159 feet

Spring: SPRING NO. 11B

Location: X= 1,546,402 feet **Y=** 2,082,052 feet

Spring: SPRING NO. 12A

Location: X= 1,545,736 feet **Y=** 2,081,432 feet

Spring: SPRING NO. 12B

Location: X= 1,545,816 feet **Y=** 2,081,160 feet

Spring: SPRING NO. 12E

Location: X= 1,545,604 feet **Y=** 2,081,182 feet

Spring: SPRING NO. 12F

Location: X= 1,545,603 feet **Y=** 2,081,131 feet

Spring: SPRING NO. 12G

Location: X= 1,545,536 feet **Y=** 2,081,162 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 NAD

2. None of the subfile orders that have heretofore been entered in these proceedings that describe irrigation water rights for tracts of land under the La Puente Ditch include as sources of water the seven (7) springs used by the Parkview Fish Hatchery described in paragraph 1 above. A list of the affected subfiles describing irrigation water rights on tracts under the La Puente Ditch is attached hereto as Exhibit 1.

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend all subfile orders heretofore entered in these proceedings that describe irrigation water rights for tracts of land under the La Puente Ditch to include as additional sources of water for irrigation purposes the seven (7) springs used by the Parkview Fish Hatchery described in paragraph 1 above.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of April, 2010 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as stated on the following list of persons (2 pages).

/s/ Ed Newville
EDWARD G. NEWVILLE

GALE A. ABEYTA
915 WEST 6TH ST.
LOVELAND, CO 80537

MARK D. ABEYTA
2013 CHEYENNE AVE.
LOVELAND, CO 80538

SHERRY J. ABEYTA
1550 STEELE ST.
DENVER, CO 80206

BERONICE IGNACITA ARCHULETA
BEVERLY ANN ARCHULETA
PEDRO ANTONIO ARCHULETA IV
P.O. BOX 413
TIERRA AMARILLA, NM 87575

RUDOLPH A. CHAVEZ
P.O. BOX 89
CORRALES, NM 87048

LILLIE CHAVEZ
VIVIAN CHAVEZ
P.O. BOX 212
CORRALES, NM 87048

DORENE TAFOYA CLELAND
13511 ACAPULCO DR.
WHITTIER, CA 90605

MAX CLELAND
1315 ACAPULCO
WHITTIER, CA 90605

CHRISTINE M. CORDOVA
JOSEPH G. CORDOVA
6317 PONDEROSA CT. NE
ALBUQUERQUE, NM 87110

LAGUNA VISTA TOWNSITE INC.
HC-75 BOX 1152
LOS OJOS, NM 87551

FELIX MADRID
NORMA E. MADRID
10905 FAROLA DR., NW
ALBUQUERQUE, NM 87114

DARLENE A. MANUELE
16918 EAST ELDORADO CR.
AURORA, CO 80013

MARY LEAH MANZANARES
RUBEN MANZANARES JR.
20614 BUDLONG AVE.
TORRANCE, CA 90502

MARIANO S. MANZANARES
P.O. BOX 100
GALLINA, NM 87017

JOANN L. MANZANARES
JUAN F. MANZANARES
139 HUMMINGBIRD LA.
OPELOUSAS, LA 70570

CARLOS R. MANZANARES
DEBBIE MANZANARES
P.O. BOX 196
TIERRA AMARILLA, NM 87575

TONY J & NATIVIDAD M. MANZANARI
FAMILY TRUST
P.O. BOX 100
TIERRA AMARILLA, NM 87575

LORENZO ZUNIGA JR. AND MARIA E.
VARELA FAMILY TRUST
P.O. BOX 7505
ALBUQUERQUE, NM 87194

ROSINA MARTINEZ
1671 E. KINGSLEY AVE., UNIT-B
PAMONA, CA 91767-5354

LEROY J. MARTINEZ
TERESA S. MARTINEZ
P.O. BOX 501
SANTA CRUZ, NM 87567

JUAN A. MARTINEZ
NAVORA MARTINEZ
STEPHANIE E. MARTINEZ
P.O. BOX 277
TIERRA AMARILLA, NM 87575

ELAINE L. MAYER
FREDERICK L. MAYER
164 ASPEN LANE
OPELOUSAS, LA 70570

JOYCE MENNINGER
KATHY R. TAFOYA
LISA TAFOYA
LORRAINE TAFOYA
LUCY TAFOYA

BAUDELIA M. MERCURE
VINCENTE MERCURE
HC 75 BOX 6 LA PUENTE RT
TIERRA AMARILLA, NM 87575

EMMA PADILLA
RICHARD PADILLA
1605 CAMINITO MONICA
SANTA FE, NM 87501

ESTATE OF AMELIA C. POND
P.O. BOX 307
TIERRA AMARILLA, NM 87575

HARRY SANCHEZ
THERESA SANCHEZ
P.O. BOX 114
LOS OJOS, NM 87551

JOSE P. TAFOYA
LUCY M. TAFOYA
P.O. BOX 2084
SANTA FE, NM 87504

ANDREW M. TAFOYA
P.O. BOX 87
TIERRA AMARILLA, NM 87575

STELLA D. TAFOYA
P.O. BOX 87
TIERRA AMARILLA, NM 87575

PHILLIP G. TRUJILLO
2603 FOX ST.
FARMINGTON, NM 87402

WILLIE TRUJILLO JR.
1504 FINCH AVE.
FARMINGTON, NM 87401

FELICITAS TRUJILLO
c/o JOSE MODESTO MADRID
P.O. BOX 574
CANJILON, NM 87515

ROSEMARY ULIBARRI
P.O. BOX 64
TIERRA AMARILLA, NM 87575

LA PUENTA DITCH
IRRIGATED TRACKS

<u>Subfile Number</u>	<u>Defendant</u>	<u>SubFile Order:</u> <u>Date Filed</u>	<u>Docket No.</u>
CHRB-008-0008	ESTATE OF AMELIA C. POND	11/23/2009	9529
CHRB-009-0001	JOYCE MENNINGER	4/17/2007	8623
CHRB-009-0001	KATHY R. TAFOYA	4/17/2007	8623
CHRB-009-0001	LISA TAFOYA	4/17/2007	8623
CHRB-009-0001	LORRAINE TAFOYA	4/17/2007	8623
CHRB-009-0001	LUCY TAFOYA	4/17/2007	8623
CHRB-009-0002	ELAINE L. MAYER	7/14/2005	7946
CHRB-009-0002	FREDERICK L. MAYER	7/14/2005	7946
CHRB-009-0003A	TONY J & NATIVIDAD M. MANZANARES FAMILY TRUST	5/17/2005	7870
CHRB-009-0003B	DEBBIE MANZANARES	5/17/2005	7871
CHRB-009-0003B	CARLOS R. MANZANARES	5/17/2005	7871
CHRB-009-0003C	DEBBIE MANZANARES	3/14/2008	9138
CHRB-009-0003C	CARLOS R. MANZANARES	3/14/2008	9138
CHRB-009-0004	JOANN L. MANZANARES	8/12/2005	7986
CHRB-009-0004	JUAN F. MANZANARES	8/12/2005	7986
CHRB-009-0005	MARIANO S. MANZANARES	1/25/2005	7730
CHRB-009-0005	RUBEN MANZANARES JR.	1/25/2005	7730
CHRB-009-0006	MARK D. ABEYTA	3/6/2007	8592
CHRB-009-0006	GALE A. ABEYTA	3/6/2007	8592
CHRB-009-0006	DARLENE A. MANUELE	3/6/2007	8592
CHRB-009-0006	SHERRY J. ABEYTA	3/6/2007	8592
CHRB-009-0007	PHILLIP G. TRUJILLO	7/29/2004	7528
CHRB-009-0009	MAX CLELAND	5/4/2006	8265
CHRB-009-0009	STELLA D. TAFOYA	5/4/2006	8265
CHRB-009-0010	ANDREW M. TAFOYA	2/6/2007	8550
CHRB-009-0011	DORENE TAFOYA CLELAND	5/4/2006	8266
CHRB-009-0012A	LAGUNA VISTA TOWNSITE INC.	12/12/2005	8096
CHRB-009-0012B	JUAN A. MARTINEZ	11/22/2006	8476

<u>Subfile Number</u>	<u>Defendant</u>	<u>SubFile Order:</u> <u>Date Filed</u>	<u>Docket No.</u>
CHRB-009-0012B	STEPHANIE E. MARTINEZ	11/22/2006	8476
CHRB-009-0012B	NAVORA MARTINEZ	11/22/2006	8476
CHRB-009-0013	LILLIE CHAVEZ	4/10/2002	6604
CHRB-009-0013	VIVIAN CHAVEZ	4/10/2002	6604
CHRB-009-0014	FELIX MADRID	9/19/2003	7244
CHRB-009-0014	NORMA E. MADRID	9/19/2003	7244
CHRB-009-0015A	ROSEMARY ULIBARRI	9/3/2008	9276
CHRB-009-0016	ROSINA MARTINEZ	5/1/2002	6696
CHRB-009-0017	TERESA S. MARTINEZ	9/3/2004	7580
CHRB-009-0017	LEROY J. MARTINEZ	9/3/2004	7580
CHRB-009-0018	RUBEN MANZANARES JR.	1/25/2005	7731
CHRB-009-0018	MARY LEAH MANZANARES	1/25/2005	7731
CHRB-009-0018	MARIANO S. MANZANARES	1/25/2005	7731
CHRB-009-0019	JOSEPH G. CORDOVA	11/22/2006	8477
CHRB-009-0019	CHRISTINE M. CORDOVA	11/22/2006	8477
CHRB-009-0021	JOSE P. TAFOYA	11/18/2004	7647
CHRB-009-0021	LUCY M. TAFOYA	11/18/2004	7647
CHRB-009-0022A	LORENZO ZUNIGA JR. AND MARIA E. VARELA FAMILY TRUST	3/5/2007	8577
CHRB-009-0022B	ROSINA MARTINEZ	2/6/2007	8550
CHRB-009-0023	RUDOLPH A. CHAVEZ	5/1/2002	6697
CHRB-009-0024	FELICITAS TRUJILLO	6/26/2003	7184
CHRB-009-0025	WILLIE TRUJILLO JR.	3/24/2006	8196
CHRB-009-0026	HARRY SANCHEZ	5/17/2005	7873
CHRB-009-0027	BEVERLY ANN ARCHULETA	8/12/2005	7987
CHRB-009-0027	PEDRO ANTONIO ARCHULETA IV	8/12/2005	7987
CHRB-009-0027	BERONICE IGNACITA ARCHULETA	8/12/2005	7987
CHRB-009-0028	RICHARD PADILLA	5/17/2005	7874
CHRB-009-0028	EMMA PADILLA	5/17/2005	7874
CHRB-009-0029	HARRY SANCHEZ	5/4/2006	8267
CHRB-009-0029	THERESA SANCHEZ	5/4/2006	8267
CHRB-009-0030	WILLIE TRUJILLO JR.	12/10/2007	9053

<u>Subfile Number</u>	<u>Defendant</u>	<u>SubFile Order:</u>	
		<u>Date Filed</u>	<u>Docket No.</u>
CHRB-009-0031	BAUDELIA M. MERCURE	11/22/2006	8497
CHRB-009-0031	VINCENTE MERCURE	11/22/2006	8497
CHRB-009-0032	BAUDELIA M. MERCURE	11/22/2006	8498